

CHAPTER 7

Nominations from the Governor

S70-10. Nominations. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

(2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

S70-20. Introduction and first reading of nominations. (1) Nominations received from the Governor are:

- (a) received by the President;
 - (b) delivered to the Secretary of the Senate;
 - (c) read under Order of Business No. 4, messages from the Governor; and
 - (d) referred to committee.
- (2) The procedure in subsection (1) constitutes introduction and first reading of the nominations.
- (3) The Secretary shall distribute a copy of the list of nominations to each Senator.

S70-30. Committee process. (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) The committee chair shall submit a bill draft request for a simple resolution to include the nominees specified by the committee chair. These bill draft requests will not count against any bill draft request limit imposed on members. When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been made.

(2) Following the hearings, the committee shall issue preliminary standing committee reports to be distributed to each Senator, stating the committee's recommendations concerning the nominees.

(3) (a) If a Senator wishes to have an individual nominee, or group of nominees, considered by the Senate separately from the group of nominees recommended by the committee, the Senator may request of the chair of the committee that the nominee or nominees be considered by a separate resolution.

(b) A Senator shall request separate consideration of a nominee within 3 days of receipt of the preliminary standing committee report. The committee chair shall honor this request.

(4) After waiting 3 days from the day of distribution of the preliminary standing committee report, the committee chair shall issue a final standing committee report and deliver the report to the Secretary of the Senate.

(a) If a nominee is to be separated from the resolution, the final standing committee report must include an amendment deleting that nominee.

(b) When a nominee has been separated at the request of a Senator, the committee chair shall submit a bill draft request for a simple resolution to include only the nominee so separated. When the resolution has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the committee's preliminary standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee's executive action, the committee chair shall issue a standing committee report.

(5) If a resolution contains only one nominee, the committee shall dispense with the preliminary standing committee report and shall issue a final standing committee report to be distributed to each Senator stating the committee's recommendation concerning the nominee.

(6) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(7) After the report has been read, the resolution must be placed on Order of Business No. 11 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated.

McDermott was a city council member in Billings. She retired from the Bureau of Land Management, and has a BS and MS from MSU-Billings. She is involved in many local boards and community organizations, including the Historic Preservation Board, Board of Adjustment, Planning Board, Downtown Property Owners and others.

C.E. "Abe" Abramson, 8807 Hellgate Station, Missoula MT 59807 (Member)

Contact Phone(s): 406-549-0774

Appointment date: 5/24/2007; Term ends: May 9, 2011

Qualification: real estate salesperson (Democrat)

Abramson is a retired U.S. Air Force Lt. Colonel and has held a real estate license since 1975. He currently serves on the boards of the Missoula Public Library Foundation and UM's Friends of the Mansfield Library, in addition to serving on the Community/St. Patrick Hospitals' Joint Investigational Review Board. He is also on the steering committee for the Montana Festival of the Book.

Connie Wardell, 1302 24th St W #183, Billings MT 59102 (Member)

Contact Phone(s): 406-855-5160

Appointment date: 12/18/2007; Term ends: May 9, 2011

Qualification: real estate salesperson (Democrat)

Wardell is a real estate salesperson with Wardell Investments and Property Management. She has been active in the National Association of Realtors and the Property Manager Association of Billings.

Larry Milless, 809 Old Corvallis Rd, Corvallis MT 59828 (Member)

Contact Phone(s): 406-777-0710, 406-369-4949

Appointment date: 12/18/2007; Term ends: May 9, 2011

Qualification: real estate salesperson (Republican)

Milless is a real estate salesperson with Bitterroot Team By Owner. He is active in realtor organizations at the local and state level, and also serves on the park board and the streamside setback committee.

Pat M. Goodover II, 803 Forest Avenue, Great Falls MT 59404 (Member)

Contact Phone(s): 406-727-8222, 406-799-2030

Appointment date: 6/23/2008; Term ends: May 9, 2012

Qualification: real estate salesperson (Republican)

Goodover is a real estate broker with Prof. Brokers of Great Falls. He has served in leadership positions with the Great Falls Association of Realtors.

Board of Regents -- 2-15-1508, MCA

The Board of Regents requires political and geographic balance. Each member serves a 7-year term, except for the student regent who serves from one to four years. A regent may not be a member of the Board of Public Education. The student regent must be a registered, full-time student at a unit of higher education under the jurisdiction of the regents. The student regent appointment is not subject to geographic and political balance and is to be chosen from a list of 3 students submitted by a student organization designated by the Board of Regents.

Clayton Christian, 3800 Lincoln Rd, Missoula MT 59802 (Member)

Contact Phone(s): 406-728-1500, 406-728-6191

Appointment date: 2/15/2008; Term ends: February 1, 2015

Qualification: District 1 (Independent)

Christian is the owner and CEO of Stewart Title of Missoula and works as Western Montana District Manager for Stewart Title Guaranty. He earned his bachelor's degree from the University of Montana.

Mitchell Jessen, 214 S Rife St, Dillon MT 59725 (Member)

Contact Phone(s): 406-683-2140

Appointment date: 7/1/2008; Term ends: June 30, 2009

Qualification: Student Regent

Jessen is a student at the University of Montana-Western. He has also attended Universal Technical Institute and the University of Utah. Jessen served his LDS mission in Britain.

Research and Commercialization Technology Board -- 2-15-1819, MCA

The board consists of six members, four of whom are appointed by the legislature and two appointed by the governor. The board is considered quasi-judicial, except that an attorney member is not required. One of the members appointed by the governor must be an enrolled member of a Montana tribal government. A member who ceases to live in the state is disqualified from membership.

Jim Davison, 609 E Commercial, Anaconda MT 59711 (Member)

Contact Phone(s): 406-563-7932

Appointment date: 7/1/2007; Term ends: July 1, 2009

Qualification: public representative

Davison is with the Anaconda Local Development Corporation. He has served in leadership roles with the Montana Economic Development Association, the county tax increment finance board and is involved in numerous community organizations.

Board of Respiratory Care Practitioners -- 2-15-1750, MCA

The board consists of five members who are United States citizens and Montana residents. The governor may request advice from the Montana society for respiratory care in making appointments to the board. The members are: three respiratory care practitioners, each of whom has engaged in the practice of respiratory care for a period of at least 3 years immediately preceding appointment to the board, and at least one of these members must have passed the registry examination for respiratory therapists administered by the national board for respiratory care, and at least one of these members must have passed the entry-level examination for respiratory therapy technicians administered by the national board for respiratory care; one physician licensed in Montana who has a special interest in the treatment of cardiopulmonary diseases; and one member of the public who is not a member of a health care profession. This is a quasi-judicial board.

Thomas Fallang, 2102 S Arizona, Butte MT 59701 (Member)

Contact Phone(s): 406-782-5673

Appointment date: 4/21/2008; Term ends: January 1, 2011

Qualification: respiratory care practitioner

Fallang is a respiratory care practitioner with St. James Hospital.

Carl Hallenborg, 2525 Broadway Ste 200, Helena MT 59601 (Member)

Contact Phone(s): 406-457-4343

Appointment date: 4/21/2008; Term ends: January 1, 2011

Qualification: doctor of medicine

Dr. Hallenborg is board certified in internal medicine, pulmonary medicine and sleep medicine and currently practices pulmonary and sleep medicine.

Board of Sanitarians -- 2-15-1751, MCA

The board consists of five members who are residents of Montana and who serve staggered 3-year terms. Three of the members are registered sanitarians with a minimum of 3 years of experience practicing as a sanitarian in the state of Montana; two members are from the public but not sanitarians and shall represent the interests of the public at large.

James Zabrocki, 1013 Doeden, Miles City MT 59301 (Member)

Bol of Public Ed

Bernard Olson, 161 Lakeside Blvd, Lakeside MT 59922 (Member)

Contact Phone(s): 406-844-3282

Appointment date: 2/8/2008; Term ends: February 1, 2015

Qualification: District 1 (Republican)

Olson is a retired school teacher and former legislator. He received his bachelor of arts degree in history and political science from the University of Montana. Olson taught for 29 years, 27 of those at Flathead High School. While a teacher, he was president of the Kalispell Education Association for four years.

Public Employees Retirement Board -- 2-15-1009, MCA

The board has seven members who serve five-year terms. Three members must be public employees who are active members of a public employee retirement system, one retired public employee who is a member of a public employee retirement system, two public members and one member with experience in investment management or financial planning.

Dianna Porter, P.O. Box 458, Butte MT 59703 (Member)

Contact Phone(s): 406-782-5416

Appointment date: 4/8/2008; Term ends: April 1, 2013

Qualification: public representative

Porter is the former Public Policy Director for the Alliance for Retired Americans. She has a JD from South Texas College of Law, and a postgraduate diploma in economic principles from the University of London.

Darcy Halpin, 409 McEwen, Belgrade MT 59714 (Member)

Contact Phone(s): 406-388-4817

Appointment date: 4/21/2008; Term ends: April 1, 2013

Qualification: retired public employee

Now retired, Halpin was a personnel technician for Montana State University. She was chapter president for the Montana Public Employees Association.

Loren Bough, PO Box 160909, Big Sky MT 59716 (Member)

Contact Phone(s): 406-995-2255, 406-570-8703

Appointment date: 11/13/2008; Term ends: April 1, 2009

Qualification: experience in investment management

Bough, a Highwood native, graduated from Harvard College in 1990. He has been a trader for Morgan Stanley in New York and London, and currently is a private equity investor. He's a founding supporter of United Way Russia, and is president of Friends of Big Sky Education.

Public Safety Officer Standards and Training Council -- 44-4-402, MCA

The council consists of no more than 13 voting members including but not limited to: one state government law enforcement representative; one chief of police, who may be appointed based on recommendations from the Montana association of chiefs of police; one sheriff, who may be appointed based on recommendations from the Montana sheriffs and peace officers association; one representative from the department of corrections; one local law enforcement officer in a nonadministrative position, who may be appointed based on recommendations from the Montana police protective association; one detention center administrator or detention officer; one Montana-certified tribal law enforcement representative; one county attorney, who may be appointed based on recommendations from the Montana county attorneys association; two members of the board of crime control and three Montana citizens at large who are informed and experienced in the subject of law enforcement. The council is designated as a quasi-judicial board.

Winnie Ore, 3584 Bucksnot Road, Helena MT 59602 (Chair)

Contact Phone(s): 406-459-3029, 405-475-3055

Montana State Senate



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The Big Sky Country

January 20, 2009

SUGGESTIONS FOR COMMITTEE IN CONFIRMATION HEARINGS

A confirmation hearing is the process required by the Constitution and statute in which the Senate approves the Governor's appointees to head departments of State government and many oversight boards. I believe the purpose of this process is to determine whether the candidate has the knowledge, ability and character to lead the agency they are appointed to lead, or to adequately fulfill the duties required by their appointment to a board.

In my view, philosophical differences between members of the committee and the nominee are not reason to deny confirmation. The ability to explain those differences is important, but the Governor is within his right to appoint people who agree with his philosophy.

The important points that should be covered in a hearing are:

What is the nominee's background, education and experience that will make them an effective person in their appointed role?

What interested them in this position?

What major issues will they and their department or board be dealing with and do they have ideas to address them?

What goals do they wish to accomplish during their tenure?

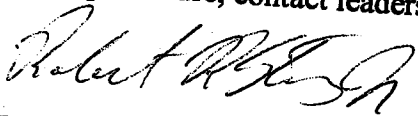
How do they feel they can help the legislature evaluate programs under their supervision?

How do they intend to work with the legislature and the interim committees?

Not all of these questions are applicable for all nominees, and other items can be discussed. There are, however, issues that are not appropriate for the nomination hearing. These are questions that deal with personal issues, family issues, financial issues (unless there is some conflict of interest with their appointed position), and questions of a nature that would not be allowed in any job interview.

The hearing should be conducted as a regular hearing for a resolution, with opportunities for the applicant to be introduced, by a third party if desired. They should be allowed to present themselves and what thoughts they wish to share with the committee. Supporters can then testify; opponents to the nomination can then speak if present and identified, but they should be held to high standards of presenting verifiable facts and concerns. After that, questions from the committee should be asked. The nominee should then be allowed to make a closing statement.

It is important that the chairman be in firm control of the hearing process and not let the public or committee members stray into areas of innuendo, unsubstantiated character attacks, or improper treatment. Remember, the nominees have offered themselves to the service of the State and should be treated with respect and civility. If you have any doubt about procedure, contact leadership or legislative legal counsel.



ROBERT R. STORY, JR.
Senate President

MONTANA SENATE OPERATIONS MANUAL

CHAPTER – 90.00 GUBERNATORIAL APPOINTMENTS

SENATE RULES

Chapter 7 – Nominations from the Governor

RECEIPT, INTRODUCTION, AND FIRST READING OF APPOINTMENTS

1. Governor sends list of appointments with cover letter to the President of the Senate. (Several lists may arrive in the course of a regular session).
2. President gives letter to Secretary of the Senate, who sends the list to printing to make copies for all members of the Senate.
3. The original of the Governor's letter is placed in the rostrum book and is read during the session on Order of Business #4. The same day that the letter is read over the rostrum, copies are placed on the Senator's desks.
4. Enough copies for all members of the State Administration Committee are then delivered by the Bills Coordinator to the State Administrative Committee secretary, which constitutes formal notice to the State Administration Committee that the appointments have been read over the rostrum and formally referred to that committee for action.

This constitutes first reading and commitment of the appointments (Rule S70-30)

COMMITTEE PROCESS

1. Copies of the Governor's letter are delivered to members of the State Administration Committee for their review.
2. The Chairman assigns the different boards to the members of the committee, making an effort to give each committee member their fair share to examine. This can be done alphabetically, or any method the Chair chooses.
3. After a week, or so, the Chair asks how many committee members were done with their examination and could report on their assigned boards. Several were mentioned as problems for confirmation. The non-controversial nominees were included in a Senate Resolution all together. Any nominee who was controversial was put on a resolution alone, so that a failure to confirm vote would not affect the bulk of the appointees.

4. The committee chair requests a resolution be drafted. The Senate Resolutions are then prepared by the Legislative Council staffer. The staffer lets the Chair know when the resolution is prepared, and the Chair picks it up, signs it and delivers it to the Secretary of the Senate and begins the usual process for a bill.
5. The bill is assigned back to the State Administration Committee for hearing, the hearing is scheduled, held, and the decision of the committee is reported on a **PRELIMINARY STANDING COMMITTEE REPORT**, which sits on every Senator's desk, together with a copy of the Resolution, for three days. During that time period, any Senator can ask the Chair of the State Administration Committee to have a person taken out of the group resolution and voted on separately. The Chair is required to honor that request, without question. After the three day waiting period, the State Administration Committee again votes on the resolutions for final approval, a regular **STANDING COMMITTEE REPORT** is issued, and the committee's work is complete.
6. If there is only one Governor's appointment on the resolution, the 'preliminary' three day process is skipped. A regular standing committee report is issued.

WHEN AN APPOINTEE IS SEGREGATED

1. When a Senator asks the Chair of the State Administration Committee to segregate an appointee from a resolution, the Committee must amend the original resolution by striking the appointee who is to be segregated. The final Standing Committee Report must reflect this amendment to the original resolution, and the changed resolution is reprinted on yellow paper for floor action.
2. The Chair of State Administration must request that the drafter prepare an additional resolution to contain only the name of the segregated appointee, which is handled in the above mentioned manner. The 'preliminary, three day step' can be omitted for this appointee and no additional hearing is necessary.

PROCESS FOR SENATE FLOOR

1. When the State Administration Chair delivers the resolution(s) containing the governor's appointments to the Secretary of the Senate office, it is treated like any other resolution. It is numbered, assigned to the State Administration Committee, read over the rostrum under Order of Business #7, first reading. (See Committee process portion).
2. When the Preliminary Standing Committee Report is received, it is placed on the member's desk, attached to a copy of the resolution(s). The preliminary report is read across the rostrum under Order of Business #2, but it is not acted on by the body. If there is only one appointment on the resolution, the three day preliminary step is skipped.
3. Once the final Standing Committee report is received by the Secretary of the Senate, the report is read across the rostrum under Order of Business #2, and is adopted by the body. The resolution is then placed on the next day's agenda under Order of Business #11, along with the 2nd and 3rd reading agendas.

4. The day following the adoption of the standing committee report from the State Administration Committee, the resolution is read under Order of Business #11, it is debated, and a recorded vote is taken.
5. The proper motion to be made by the Chair of the State Administration after the reading of the title of the resolution is as follows:

Mr. President, I move that the following nomination(s) transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with the resolution set forth below, and that the ayes and nays be spread upon the Journal.

6. There is no third reading of Senate resolutions. The Secretary of the Senate will notify the Governor that the appointments were confirmed by delivering to the Governor a second "original" copy of the resolution certified by the Secretary of the Senate, and signed by the President. The first "original" is delivered to the Secretary of State like all other resolutions.